

## Internal Revenue Service, Treasury

## § 301.9100-21

shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name, address, and account number of the corporation and of the shareholder, the date the distribution is received, the number and proportion of the shares of stock of the corporation owned by him on the date the distribution is received, and the number and proportion of such shares owned by him on the last day of the taxable year of the corporation with respect to which the election is made. The consents of all shareholders may be incorporated in one statement.

[T.D. 6719, 29 FR 4771, Apr. 3, 1964. Redesignated by T.D. 8435, 57 FR 43896, Sept. 23, 1992]

**§ 301.9100-21 References to other temporary elections under various tax acts.**

Regulations regarding elections under various other tax acts are found at the following sections in title 26 of the Code of Federal Regulations:

Section of 26 CFR	Description of election
5c.168(f)(8)-2 .....	Election to characterize transaction as a section 168(f)(8) lease, under the Economic Recovery Tax Act of 1981.
5c.1256-1 .....	Election with respect to property held on June 23, 1981, under section 508(c) of the Economic Recovery Tax Act of 1981.
5c.1256-2 .....	Election with respect to taxable years beginning before June 23, 1981, and ending after June 22, 1981, under section 509 of the Economic Recovery Tax Act of 1981.

Section of 26 CFR	Description of election
7.48-1 .....	Election to have investment credit for movie and television films determined in accordance with previous litigation, under the Tax Reform Act of 1976.
7.48-2 .....	Election of forty-percent method of determining investment credit for movie and television films placed in service in a taxable year beginning before January 1, 1975, under the Tax Reform Act of 1976.
7.48-3 .....	Election to apply the amendments made by sections 804 (a) and (b) of the Tax Reform Act of 1976 to property described in section 50(a) of the Code.
7.57(d)-1 .....	Election with respect to straight line recovery of intangibles, under the Tax Reform Act of 1976.
11.402(a)(4)(B)-1 .....	Election to treat an amount as a lump sum distribution, under the Employee Retirement Income Security Act of 1974.
11.410-1 .....	Election by church to have participation, vesting, funding, etc., provisions apply, under the Employee Retirement Income Security Act of 1974.
11.412(c)-7 .....	Election to treat certain retroactive plan amendments as made on the first day of the plan year, under the Employee Retirement Income Security Act of 1974.
11.412(c)-11 .....	Election with respect to bonds, under the Employee Retirement Income Security Act of 1974.
11.415(c)(4)-1 .....	Special elections for section 403(b) annuity contracts purchased by educational institutions, hospitals and home health service agencies, under the Employee Retirement Income Security Act of 1974.
12.4 .....	Election of Class Life Asset Depreciation Range System (ADRS), under the Revenue Act of 1971.
12.7 .....	Election to be treated as a DISC, under the Revenue Act of 1971.
12.8 .....	Elections with respect to net leases of real property, under the Revenue Act of 1971.
12.9 .....	Election to postpone determination with respect to the presumption described in section 183(d), under the Revenue Act of 1971.
15.1-1 .....	Elections to deduct, relating to exploration expenditures in the case of mining.
15.1-2 .....	Revocation of election to deduct, relating to exploration expenditures in the case of mining.
15.1-3 .....	Elections as to methods of recapture, relating to exploration expenditures in the case of mining.
18.1361-1 .....	Election to treat qualified subchapter S trust as a trust described in section 1361(c)(2)(A)(i), under the Subchapter S Revision Act of 1982.
18.1362-1 .....	Election to be an S corporation, under the Subchapter S Revision Act of 1982.
18.1362-3 .....	Revocation of election, under the Subchapter S Revision Act of 1982.
18.1362-5 .....	Election not to have new passive income rules apply during 1982, under the Subchapter S Revision Act of 1982.

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**26 CFR Ch. I (4-1-04 Edition)**

Section of 26 CFR	Description of election
18.1371-1 .....	Election to treat distributions as dividends during certain post-termination transition periods, under the Subchapter S Revision Act of 1982.
18.1377-1 .....	Election to terminate year, under the Subchapter S Revision Act of 1982.
18.1379-2 .....	Special rules for all elections, consents, and refusals, under the Subchapter S Revision Act of 1982.

Section of 26 CFR	Description of election
22.0 .....	Certain estate taxes elections under the Economic Recovery Tax Act of 1981.
23.1 .....	Election and eligibility to treat interests in property held jointly on December 31, 1976, as qualified joint interests, under the Revenue Act of 1978.

[T. D. 8435, 57 FR 43894, Sept. 23, 1992]

**PART 302—TAXES UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT, AS AMENDED AUGUST 9, 1955**

Sec.

302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.

302.1-1 Definitions.

302.1-2 Application of regulations.

302.1-3 Protection of internal revenue prior to tax determination.

302.1-4 Computation of taxes.

302.1-5 Payment of taxes.

302.1-6 Interest and penalties.

302.1-7 Claims for credit or refund.

AUTHORITY: Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805, and sec. 212 of the International Claims Settlement Act of 1949, as added by the Act of Aug. 9, 1955, Pub. L. 285, 84th Cong., 69 Stat. 562.

SOURCE: T.D. 6470, 25 FR 6470, July 9, 1960, unless otherwise noted.

**§ 302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.**

SEC. 212. (a) The vesting in any officer or agency designated by the President under this title of any property or the receipt by such designee of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period before or after such vesting.

(b) The officer or agency designated by the President under this title shall, notwithstanding the filing of any claim or the institution of any suit under this title, pay any tax incident to any such property, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, earnings, increment, or proceeds are

held by such designee, unless they are returned pursuant to this title without payment of such tax by the designee. Every such tax shall be paid by the designee to the same extent, as nearly as may be deemed practicable, as though the property had not been vested, and shall be paid only out of the property, or earnings, increment, or proceeds thereof, to which they are incident or out of other property acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or the earnings, increment, or proceeds thereof while held by the designee except with his consent. Where any property is transferred otherwise than pursuant to section 207(a) or 207(b) hereof, the designee may transfer the property free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property in the hands of the designee.

(c) Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the designee with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessments, collection, refund, or credit of Federal taxes shall be suspended with respect to any vested property or the earnings, increment, or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate,